



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCT 24 2008

Stanley A. Twardy, Jr., Esq.
Day Pitney, LLP
One Canterbury Green
Stamford, Connecticut 06901

RE: MUR 5728
Friends of Jack Orchulli and
Jack Orchulli in his official
capacity as treasurer
Jack Orchulli

Dear Mr. Twardy:

On August 30, 2007, your clients were notified that the Federal Election Commission found probable cause to believe that Friends of Jack Orchulli ("Committee") and Jack Orchulli, in his official capacity as treasurer, violated 2 U.S.C. § 434(a)(6)(B)(iii) and (iv), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and 11 C.F.R. §§ 400.21(a) and 400.22(a), regulations promulgated pursuant to the Act, in connection with the failure to timely file the initial and three subsequent notifications of personal expenditures.

In addition, on August 30, 2007, your client, Jack Orchulli, a candidate for United States Senate from Connecticut in 2004, was notified that the Federal Election Commission found probable cause to believe that he violated 2 U.S.C. § 434(a)(6)(B)(iii) and (iv), provisions of the Act, in connection with failing to timely file the initial and three subsequent notifications of personal expenditures.

On June 26, 2008, the Supreme Court issued its decision in *Davis v. FEC*, 128 S. Ct. 2759 (2008) and found Sections 319(a) and 319(b) of the Bipartisan Campaign Reform Act of 2002 — the so-called "Millionaires' Amendment"— unconstitutional because they violate the First Amendment to the U.S. Constitution. The Court's analysis in *Davis* precludes enforcement of the reporting requirements of the Amendment. Therefore, after considering the circumstances of this matter, the Commission determined on July 29, 2008 to take no further action as to Jack Orchulli and Friends of Jack Orchulli and Jack Orchulli, in his official capacity as treasurer, and close the file in this matter. We apologize for the delay in sending this notification.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

28044212691

If you have any questions, please contact Delbert K. Rigsby, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, reading "Susan L. Lebeaux". The signature is written in a cursive, flowing style.

Susan L. Lebeaux
Acting Deputy Associate General Counsel

28044212692